

HOUSE BILL 1503  
By Head

AN ACT to amend Tennessee Code Annotated, Title 56 and Title 68, relative to coverage of emergency medical services.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 56-32-202, is amended by adding the following new items to be appropriately designated:

( ) "Primary health provider" means any physician, other persons, or hospital which is licensed or otherwise authorized in this state to furnish health care services, and designated by the health maintenance organization as a principal provider;

( ) "Service area" means a geographical area designated by the health maintenance organization plan within which a plan shall provide health care services;

( ) "Out-of-area coverage" means coverage while an enrollee is anywhere outside the service area of the health maintenance organization plan, and shall also include coverage for urgently needed services to prevent serious deterioration of an enrollee's health resulting from unforeseen illness or injury for which treatment cannot be delayed until the enrollee returns to the health maintenance organization plan's service area; and

( ) "Emergency medical services" means emergency care for a sudden, unexpected onset of a medical condition of such nature that failure to render immediate care would reasonably be expected by a prudent layperson, who possesses an average

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knowledge of health and medicine, to result in deterioration to the point of placing the patient's life in jeopardy or cause serious impairment to bodily functions or serious dysfunction of any bodily organ or part of the patient. "Emergency medical services" shall include medical screening examinations conducted by hospital emergency departments as required by the Consolidated Omnibus Budget Reconciliation Act as found in 42 U.S.C. section 1395dd.

SECTION 2. Tennessee Code Annotated, Title 56, Chapter 32, Part 2, is amended by adding the following as a new section to be appropriately designated:

(a) Every evidence of coverage delivered or issued for delivery in this state or which are amended or renewed by agreement or otherwise that provides coverage for in-patient hospital care shall include coverage for emergency medical services provided in a hospital facility. Such coverage for emergency services shall be provided by the health maintenance organization to the enrollee whether or not the emergency provider is specifically designated as a primary health provider by the health maintenance organization to furnish such health care services. Such coverage for emergency services shall be provided by the health maintenance organization to the enrollee, whether or not the emergency provider is within the service area. Such coverage for emergency services shall be provided by the health maintenance organization to the enrollee whether or not the emergency provider is "out-of-area coverage."

(b) The enrollee/patient shall give notice to the health maintenance organization within twenty-four (24) hours after becoming stable and physically able to communicate the emergency medical admission or treatment.

(c) Nothing in this section shall be construed to increase the health maintenance organization's scheduled payments for health care services in the event such services are provided by a non-primary medical care provider.

(d) The provisions of this section shall apply to individual and group health insurance policies or contracts, hospital service corporation contracts, hospital and medical service corporation contracts and health maintenance organization contracts issued in Tennessee under Chapter 7, Parts 26, 28 and 29 of this title.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.